

Message Text

PAGE 01 OECD P 08631 272136 Z

67

ACTION EB-11

INFO OCT-01 CIAE-00 COME-00 DODE-00 INR-09 NSAE-00 RSC-01

TRSE-00 EUR-25 AEC-11 ADP-00 ACDA-19 SSO-00 CCO-00

INRE-00 RSR-01 /078 W

----- 035533

O 272048 Z MAR 73

FM USMISSION OECD PARIS

TO SECSTATE WASHDC IMMEDIATE 9186

C O N F I D E N T I A L OECD PARIS 08631

EXCON

E. O. 11652: XGDS-1

TAGS: ESTC, COCOM, US, UK

SUBJECT: REVISED GENERAL EXCEPTIONS PROCEDURE

REFS: A. COCOM DOC PROC (73) 8

B. STATE 52965

C. COCGVIJGCIPROC (73) 9 (REFLECTING REF B)

D. OECD PARIS 7387

SUMMARY: AT MARCH 27 MEETING, RESCHEDULING AFTER 14 DAYS AND US TEXT OF PARA 5 OF PROCEDURE AND GUIDELINES (TIME EXTENSION) WERE ACCEPTED. RESTORATION OF SUBSTANCE PARA B(3), GUIDELINES OF REVISED TEMPORARY GENERAL EXCEPTIONS PROCEDURE (RTGEP), WAS ALSO AGREED ON, BUT WITH SOMEWHAT DIFFERENT WORDING PROPOSED BY UK, WHICH IS ACCEPTED. OTHER DELS PREFERRED, HOWEVER, TO RETAIN UK- PROPOSED PARA 4 OF DRAFT GUIDELINES, INSTEAD OF DELETING IT AS PREFERRED BY US), AND USDEL, MAINTAINED HIS RESERVE ON IT. FRENCH DEL AGREED TO GUIDELINES IN PRINCIPLE AND ACCEPTED UK INTRODUCTORY LANGUAGE. ON NON- APPLICABILITY OF DEADLINES WHEN LICENSING PROCEDURES ARE INVOLVED, OTHER DELS BACKED UK POSITION THAT RECORD OF DISCUSSION SHOW MERELY THAT THE COMMITTEE OPPOSED THIS US CONDITION IN PRINCIPLE, BUT TOOK NOTE OF IT. END SUMMARY

1. DISCUSSION WAS AGAIN FAIRLY CONSTRUCTIVE AND REMOVED ALL CONFIDENTIAL

PAGE 02 OECD P 08631 272136 Z

BUT TWO OF REMAINING OBSTACLES TO AGREEMENT, WHICH WILL BE INDICATED FARTHER ON. UK AND ITALIAN DELS AGREED FINALLY,

IN VIEW OF OTHER UNDERSTANDINGS REACHED, TO RESCHEDULING AFTER 14 DAYS IN PARA 4(A)(II) OF REVISED UK DRAFT (REF A), UK DEL AT SAME TIME EXPRESSING HOPE USDEL COULD PERSUADE HIS AUTHORITIES TO AGREE TO RETENTION OF PARA 4 OF GUIDELINES (SEE PARA 4 OF THIS CABLE).

2. US VERSION OF GUIDELINES PARA 5 (REF B, PARA 3 D) WAS UNANIMOUSLY ACCEPTED WITH LITTLE DISCUSSION. EVEN FRENCH DEL FOUND IT ACCEPTABLE, COMMENTING ONLY THAT WORDS " EXTENSION OF TIME LIMIT" SATISFIED HIS AUTHORITIES' CONCERNS, SINCE REFERENCE TO INDEFINITE EXTENSION WAS NOT INCLUDED.

3. AS TO US PROPOSAL IN REF C TO AMEND GUIDELINE PARA 2 TO REFLECT SENSE OF FIRST PART OF RTGEP GUIDELINE PARA 3, UKDEL COMMENTED ALONG LINES PARA 3, REF D, CONCLUDING WITH PROPOSAL THAT ONE RESERVING DEL HAVE OPTION OF DELYING START OF 14- DAY PERIOD APPLICABLE TO IT UNTIL QUESTIONS OF OTHER RESERVING DELS ALSO ANSWERED. CHAIRMAN CONFIRMED ALSTON' S RECOLLECTION ON ORIGIN OF WORDING. GOING AROUND THE TABLE, ALL DELS RESISTED ACROSS- THE- BOARD APPLICABILITY OF OLD FORMAT AND AGREED WITH ADDITION OF FOLLOWING SENTENCE AT END OF GUIDELINE PARA 2): " WHERE TWO OR MORE DELEGATIONS HAVE ASKED QUESTIONS, A RESERVING DELEGATION MAY REQUEST THAT THE 14- DAY PERIOD REFERRED TO IN CHAPTER A, PARA 4(A)(III) WILL START TO RUN ONLY WHEN ANSWERS HAVE BEEN GIVEN TO THE QUESTIONS OF OTHER DELEGATIONS AS WELL AS TO ITS OWN." PER 4(C), REF D, USDEL ACCEPTED AS WELL.

4. US PROPOSAL TO DELETE PARA 4, GUIDELINES, WAS NOT ACCEPTED BY OTHER DELS. ALTHOUGH CHAIRMAN CALLED ATTENTION TO FACT THAT PARA 4(A)(III) OF PROCEDURE IN UK REVISED DRAFT (REF A) ALREADY EMBODIED PRINCIPLE THAT SUPPLEMENTAL QUESTIONS SHOULD BE WITHIN FRAMEWORK OF THOSE ALREADY PUT, OTHER DELS ALL EXPRESSED LIKING FOR SPECIFICITY OF UK' S LANGUAGE. DISCUSSION OF THIS POINT WAS BRIEF AND OTHER DELS DID NOT OFFER SPECIFIC JUSTIFICATIONS OF THEIR PREFERENCE FOR RETAINING IT. IN VIEW OF THE OUTCOME, USDEL MAINTAINED HIS RESERVE ON THIS PARAGRAPH.

CONFIDENTIAL

PAGE 03 OECD P 08631 272136 Z

5. IN ACCORDANCE WITH REF D, USDEL RAISED " PROVISIO" ISSUE AT OPENING OF DISCUSSION ON PROCEDURE. NO DELEGATION WAS PREPARED SPECIFICALLY TO HAVE RECORD SHOW COMMITTEE AGREEMENT, DE JURE, THAT REVISED PROCEDURE DEADLINES WOULD BE INAPPLICABLE TO RESERVES FOR STATED PURPOSE OF COMPLETING LICENSING PROCEDURES. GERDEL INDICATED HE COULD UNDERSTAND US CONCERN AND WOULD BE " FLEXIBLE" BUT FRENCH DEL, AS FORESHADOWED PARA 4, OECD PARIS 6290, MADE EVEN BROADER COMMENTS AGAINST SUCH SPECIFIC APPROVAL. USDEL ARGUED STRONGLY ON WHAT

HE FELT WAS MAJOR IMPORTANCE TO US AUTHORITIES OF LIGHTENING COMMITTEE TIME PRESSURES ON CASES INVOLVING EXPORTS OF US EMBARGOED COMMODITIES, CONCERNING WHICH THEY COULD BE EXPECTED TO MAKE MOST CAREFUL ASSESSMENT OF STRATEGIC AND POLICY IMPLICATIONS OF SUCH EXPORTS, MORE DETAILED AND TIME CONSUMING THAN WOULD NORMALLY BE THE CASE WITH EXCEPTION NOT INVOLVING US- ORIGIN MATERIALS.

6. UKDEL INTERVENED AND RECALLED PRESENT SITUATION WITH REGARD TO REVISED PROCEDURE (RTGEP): WHEN US HAD SOUGHT SPECIFIC AGREEMENT THAT CITATION OF LICENSING PROCEDURE WAS A " MOTIVATION" WITHIN TERMS OF RTGEP, UKDEL AND OTHERS HAD SAID THEY DISAGREED THAT STRICTLY NATIONAL CONSIDERATIONS SHOULD AFFECT HANDLING OF COCOM SUBMISSIONS. NEVERTHELESS, THEY UNDERSTOOD US SITUATION AND COMMITTEE' S PRACTICE REFLECTED DE FACTO ACCEPTANCE OF US VIEW. FOR ITS PART, UK POSITION WAS THE SAME IN THIS INSTANCE. THEY DID NOT FEEL THE CITATION OF LICENSING PROCEDURE COMPLETION SHOULD MAKE THE TERMS OF THE PROCEDURE INAPPLICABLE, BUT THEY WERE PREPARED TO OPERATE IWTHIN THE TERMS OF THE US PROVISIO.

7. ALL DELS, INCLUDING FRENCH, ASSOCIATED THEMSELVES WITH UK STATEMENT, AND CHAIRMAN, SUMMING UP, NOTED FOR THE RECORD THAT WHILE MEMBERS COULD NOT AGREE WITH US REQUEST IN DOC PROC (73) 7, PARA 2, FORMALLY ON A DE JURE BASIS, THEY TOOK NOTE OF IT AND WERE WILLING TO ACCEPT IT DE FACTO.

8. IN VIEW OF FOREGOING, USDEL ENTERED GENERAL RESERVE ON ACCEPTANCE OF REVISED PROCEDURE, AND SAID HE WOULD SOLICIT WASHINGTON VIEWS ON THAT BASIS.

9. IN CONCLUDING DISCUSSION, CHAIRMAN POINTED OUT THAT
CONFIDENTIAL

PAGE 04 OECD P 08631 272136 Z

LATEST RTGEP EXTENSION EXPIRES MARCH 31, A SATURDAY, HE URGED USDEL TO SEEK TO PROVIDE FINAL POSITIONS ON OUTSTANDING MATTERS BY FRIDAY, MARCH 30, AND NOTED THAT IN THE ABSENCE OF FINAL RESOLUTION, COMMITTEE WOULD REVERT TO APPLICATION OF CHAPTER A, PARA 4 AND 5, IN PROCESSING OF GENERAL EXCEPTIONS.

10. USDEL COMMENT: WE FEEL US HAS BEEN SUCCESSFUL IN MAINTAINING OUR INTEREST IN LONG- TERM APPLICATION OF A WORKABLE REVISION OF DOC REG (6 6) 1 AND RTGEP. NEW PROCEDURE CONTAINES NO AUTOMATICITY, MAINTAINS 14- DAY GRACE PERIOD FOR UNMOTIVATED RESERVES, DOES NOT LIMIT DELEGATIONS CONCERNED IN EXTENSION OF TIME LIMITS, AND GIVES US OPTION OF TAKING ADVANTAGE OF REPLIES TO THIRD- COUNTRY QUESTIONS BEFORE FORMULATING FINAL POSITION (OR FURTHER QUESTIONS). CONVERSELY, OTHER DELS (AS VARNOUX DID NOT HESITATE TO POINT OUT) HAVE

ACHIEVED VERY FEW OF THEIR DESIDERATA. TO PERMIT THE EXTENSIVE AND INTENSIVE WORK OF MANY DELEGATIONS AND HOME AUTHORITIES (THOSE OF THE US INCLUDED) TO GO TO WASTE BY A FAILURE TO REACH FINAL AGREEMENT COULD ONLY BRING ILL FOR OVERALL US GOALS IN COCOM CONTEXT. AS A RESULT, WE TRUST WASHINGTON WILL APPRECIATE THE SUBSTANTIAL EXTENT TO WHICH OUTCOME MEETS OUR DESIRES AND WILL NOT SACRIFICE THAT ACHIEVEMENT BECAUSE OF RELATIVELY LIMITED AREAS IN WHICH WE DID NOT ATTAIN QUITE ALL WE HAD HOPED FOR.

11. ACTION REQUESTED: AUTHORIZATION BY FRIDAY MORNING PARIS TIME, TO LIFT RESERVE ON RETENTION GUIDELINES PARA 4 AND GENERAL RESERVE IN CONNECTION WITH PROVISIO ON LICENSING PROCEDURES. OUR POSITION ON THAT IS UNDERSTOOD BY THE COMMITTEE AND RISK TO US FROM THAT QUARTER IS NEGLIGIBLE.
BROWN

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 07 MAY 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 27 MAR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973OECDP08631
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: OECD PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730348/abqcegfpl.tel
Line Count: 182
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A. COCOM DOC PROC (7 3) 8 B. STATE 52965 C. COCGVIJGCIPROC (73) 9 (REFLECTING REF B) D. OECD PARIS 7387
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 15 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15-Aug-2001 by izenbei0>; APPROVED <16-Nov-2001 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> srp 971230
Subject: REVISED GENERAL EXCEPTIONS PROCEDURE
TAGS: ESTC, UK, US, COCOM
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005